REMARKS

In response to the Final Official Action mailed June 15, 2006, Applicants request to amend their application and request reconsideration. In this Amendment After Final, claims 1, 6, 8, 13, 15, 20, 22, and 27 are amended and no claims are added or canceled. Claims 1-28 and 36-43 are pending.

I. Objection to Claims

Claims 6, 13, 20, and 27 were objected to for improper dependency. Appropriate correction is made in this Amendment.

II. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1, 6, 8, 13, 15, 20, 22, and 27 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by *Brereton et al.* (U.S. Patent No. 6,128,612, hereinafter "*Brereton*"). Applicants respectfully traverse this rejection.

Brereton fails to teach all of the limitations of claim 1. For example, *Brereton* fails to teach "dividing said client requests into one or more smaller units, each of said smaller units being a transaction request serviceable by one of a plurality of worker threads." As clarified in accordance with amended claim 1, a client request for hierarchically organized data is divided into smaller transaction requests, such that each smaller request may be individually served by one of a plurality of worker threads. Accordingly, multiple client requests receive a fair share of service. See page 5, line 1 to page 6, line 9 of the patent application. Thus, unlike Applicants' invention in claim 1, *Brereton* does not divide requests into smaller serviceable requests for service by a plurality of threads. In *Brereton* , a simplified user query is translated into a structured SQL query for submission to a database. See Abstract of *Brereton*. Though

translated, the query is still the same whole query, and is not divided into smaller serviceable units. Moreover, *Brereton* does not teach a plurality of threads for servicing smaller units of transaction requests. Still further, the translator in *Brereton* cannot be construed as a worker thread as the translator does not service transaction requests.

Thus, *Brereton* fails to teach every limitation of claim 1, and the rejection should be accordingly withdrawn. Claims 8, 15, and 22 recite similar limitations and are therefore patentable for at least the same reasons. Claims 6, 13, 20, and 27 depend from claims 1, 8, 15, and 22, respectively, and are therefore patentable for at least the same reasons.

III. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 2, 3, 5, 7, 9, 10, 12, 14, 16, 17, 19, 21, 23, 24, 26, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brereton* in view of *Jordan* (U.S. Patent Application Publication No. 2002/0069157). Applicants respectfully traverse this rejection.

The rejection of claims 2, 3, 5, 7, 9, 10, 12, 14, 16, 17, 19, 21, 23, 24, 26, and 28 relies on the assertion that *Brereton* teaches all of the limitations of independent claims 1, 8, 15, and 22. As previously explained, that assertion is erroneous with respect to the amended claims. Accordingly, the rejection should be withdrawn.

Claims 36-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brereton* in view of *LiVecchi* (U.S. Patent No. 6,427,161). Applicants respectfully traverse this rejection.

The rejection of claims 36-43 relies on the assertion that *Brereton* teaches all of the limitations of independent claims 1, 8, 15, and 22. As previously explained, that assertion is erroneous with respect to the amended claims. Accordingly, the rejection should be withdrawn.

Furthermore, there is no motivation to combine *Brereton* and *LiVecchi* as proposed by the Examiner. The Examiner states that it would have been obvious to combine the references in view of their specific advantages, however the Examiner offers no explanation as to why one reference would be advantageous to the other. The mere fact that references can be combined or modified does not render the resultant combination obvious unless, *inter alia*, the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Applicants respectfully submit that there is no desirability in modifying *Brereton* with *LiVecchi* as proposed. Accordingly, *prima facie* obviousness has not been established, and the rejection should be withdrawn

IV. Conclusion

In view of the above remarks, Applicants submit that all claims are allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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